

Remarks

With entry of the foregoing amendments, claims 1-4 and 10-25 are pending. Claims 5-9 have been cancelled, claims 1, 10 and 13 have been amended, and new claims 21 to 25 have been added. Support for the amendments to claims 1 and 13 may be found in originally filed claims 1 and 13. Support for new claims 21 to 25 may be found in originally filed claims 15 to 19. Applicants submit that no new matter has been added.

The amendments to claims 1 and 13 and the cancellation of claims 5-9 have not been made for reasons of patentability under Title 35 of the United States Code. Instead, these amendments have been made to facilitate joinder of the claims in a single application. Claim 10 was amended to correct its dependency after the cancellation of claim 9.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement in view of the following remarks. The claims of the present application are subject to a four-way restriction requirement as follows:

- 1) Group I, claims 1-12, is drawn to a method of treatment of a disease of the human or animal body medicated by PARP;
- 2) Group II, claim 13, is drawn to a method of potentiating tumor cells;
- 3) Group III, claims 14-19, is drawn to a compounds of a different scope than the method claims; and
- 4) Group IV, claim 20, is drawn to a pharmaceutical composition of different scope than the method claims.

Applicants elect Group IV, claim 20, with traverse, and submit that claims 21 to 25 correspond to Group IV, as they are directed to pharmaceutical compositions.

The applicants hereby traverse the restriction requirement in its entirety. Restriction is only proper where “two or more independent and distinct inventions are claimed in one application” (35 U.S.C. § 121). Applicants respectfully submit that the groups of claims

identified by the Examiner are not directed to “independent and distinct inventions”, but to different embodiments of the same invention.

In one embodiment, the invention provides pharmaceutical compounds, while in another embodiment, the invention provides pharmaceutical compositions comprising the same compounds, and in yet another embodiment, as the claims are currently amended, the invention provides methods of treatment utilizing the compounds of Group III. Applicants submit that the claims of Group I, II, III and IV are therefore not directed to separate and distinct inventions, but to the same invention. Thus, restriction of these groups of the claims is improper under 35 U.S.C. § 121.

Assuming *arguendo* that the groups are directed to independent or distinct inventions rather than to embodiments of the same invention, Applicants submit that restriction would still not be appropriate in this case. The Manual of Patent Examining Procedure (“MPEP”) states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. MPEP § 803.

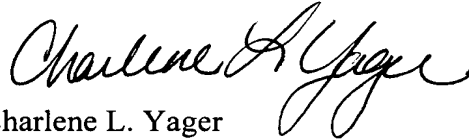
Applicants respectfully submit that all claims of the present application could be examined together without placing any serious burden on the USPTO. The claims of Groups I, II, III and IV, as well as the newly added claims, are so inextricably related to one another that, for the sake of efficiency, they should be examined in a single application. The claims are directed to pharmaceutical compounds, pharmaceutical compositions comprising those compounds, and methods of treatment utilizing those compounds.

A complete search of the prior art relating to these compounds would necessarily require a search of all the subject matter of the groups. Given the close relationship between the claims of Groups I, II, III and IV, as well as the newly added claims, prosecution in the same application would be administratively efficient for the USPTO. Specifically, by

prosecuting the applications together, searches could be consolidated and a single examiner could readily examine the subject matter of all claims of this application at once.

Applicants respectfully request reconsideration of the restriction requirement in view of the foregoing analysis and request joinder of Groups I, II, III and IV and the newly added claims. Should the examiner have any questions, please contact the undersigned at the phone number listed below.

Respectfully submitted,



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